

Before the Board of Supervisors  
County of Placer, State of California

In the matter of:

**AN ORDINANCE ADOPTING THE BICKFORD RANCH  
DEVELOPMENT AGREEMENT**

Ordinance No: \_\_\_\_\_

First Reading: \_\_\_\_\_

The following ORDINANCE was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held \_\_\_\_\_, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
**Harriet White**  
Chairman, Board of Supervisors

Attest:  
Clerk of said Board

\_\_\_\_\_  
**Ann Holman**

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**The Board of Supervisors of the County of Placer, State of California, does hereby ordain as follows:**

**WHEREAS,**

1. On November 1 and 8, 2001, the Placer County Planning Commission ("Planning Commission") held public hearings pursuant to Section 17.58.240(A) of the Placer County Code to consider, among other land use approvals related to the Bickford Ranch Specific Plan, a development agreement (the "Development Agreement") by and between the County of Placer ("County") and Bickford Holdings, LLC ("Landowner"), and the Planning Commission has made written recommendations to the Board of Supervisors ("Board").

2. On December 10, 2001, the Board held a noticed public hearing pursuant to Section 17.58.240(B) of the Placer County Code to consider the recommendations of the Planning Commission, and to receive public input regarding the approval of the Development Agreement and this ordinance.

3. On December 18, 2001, having considered the recommendations of the Planning Commission, reviewed the Development Agreement, the Bickford Ranch Specific Plan, the Bickford Ranch Design Guidelines and the Bickford Ranch Development Standards, having received and considered the written and oral comments submitted by the public thereon, and having adopted Resolution No. 2001-340 certifying the Final Environmental Impact Report ("FEIR") for the Bickford Ranch Specific Plan and related entitlements, the Board enacted Ordinance 5147-B approving the Development Agreement.

4. On or about January 17, 2002, litigation was commenced to challenge the actions of the Board in granting the Project approvals, including the Development Agreement, alleging, among other things, violations of the California Planning and Zoning law as well as violations of the California Environmental Quality Act in connection with the preparation and certification of the FEIR. The suits filed are more particularly identified as follows:

(1) Sierra Club, Sierra Foothills Audubon Society and California Oaks Foundation v. Placer County, et al. (Bickford Holdings, LLC, et al. Real Parties in Interest), Case No. SCV-12789; and

(2) Bickford Ranch Coalition of WPCARE; Town of Loomis v. County of Placer (Bickford Holdings, LLC et al. Real Parties in Interest), Case No. SCV-12793.

The cases were consolidated for purposes of trial. The two cases are referred to collectively as the "Project Approval Litigation."

5. On October 21, 2003, the Board approved two tentative subdivision maps filed by the Applicant, pursuant to the Subdivision Map Act and the Subdivision Ordinances of the County of Placer. The tentative subdivision maps were based on and intended to implement the Project Approvals. The Project Approvals were made a part of and incorporated in the Board's approval of the tentative subdivision maps. On November 18, 2003, litigation was commenced challenging the Board's action in approving the tentative subdivision maps in a case entitled Sierra Club, Sierra Foothills Audubon Society and California Oaks Foundation v. Placer County, et al. (Bickford Holdings, LLC, et al. Real Parties in Interest, Case No. SCV 16428 (the "Subdivision Map Litigation"). On May 28, 2004, the Subdivision Map Litigation was dismissed with prejudice on Applicant's and County's motion, such dismissal constituting an adjudication that the tentative subdivision maps were validly approved in a process that complied with law. The time to file any new action to challenge the tentative subdivisions maps has expired. Thus, the tentative subdivision maps and the process by which they were approved has been determined to be valid and that conclusion is not subject to further review except by way of appeal in the Subdivision Map Litigation.

6. Since enactment of Ordinance 5147-B, certain modifications have been made in the Project as follows:

(1) Water conveyance modifications requested by Placer County Water Authority as part of its execution of a Water Master Services Agreement to serve the Project

more particularly described in the Addendum to the FEIR referred to in the following recital (the "Addendum");

(2) Minor master lotting plan changes documented in the tentative subdivision maps for the Project approved as recited above and more particularly described in the Addendum; and

(3) Three additional minor lotting plan and golf course alignment modifications for the Heritage Ridge portion of the Project, described in Applicant's letter to the County dated November 21, 2003 more particularly explained and described in the Addendum.

7. Anticipating the possibility of further proceedings to be undertaken in connection with the Project that could require consideration under the California Environmental Quality Act, Staff and the EIR consultant that prepared the FEIR, URS Corp., considered whether or not additional environmental documentation would be required, (i) to describe project changes, (ii) the changes in background circumstances, and (iii) other relevant criteria in accordance with the provisions of CEQA Guidelines Section 15162, all for the purpose of determining whether or not new environmental analysis was required in addition to that contained in the FEIR. Staff and URS Corp. have undertaken that analysis, concluded that the changes do not warrant preparation of a supplemental EIR or a subsequent EIR, and that all of the changes can be addressed in an addendum to the FEIR prepared pursuant to CEQA Guideline Section 15164. The Addendum has been prepared by Staff with the assistance of URS Corp., and has been presented to the Board as a predicate for its action herein. The Addendum is intended to be added to and become an integral part of the FEIR previously certified herein.

8. After extensive argument concerning and resolution of various procedural issues, briefing, consideration of the Administrative Record and other matters at issue in the Project Approval Litigation, the Court filed its Statements of Decision on June 18, 2004, entered Judgment and issued a Writ of Mandate on June 28, 2004, directing County to set aside the Project Approvals, except for certification of the FEIR that the Court found to be proper. The basis for setting aside the Project Approvals was the Court's determination that the Administrative Record did not contain a complete and coherent Specific Plan. Setting aside the Specific Plan necessarily required setting aside the various approvals dependent upon or related to the Specific Plan including the Design Guidelines, the Development Standards, the Development Agreement, the Resolutions pertaining to Clark Tunnel Road, the Mitigation Monitoring and Reporting Plan, the provisions of Project approval adopting mitigation measures and the Statement of Overriding Considerations. The Writ does not require the Board to set aside its certification of the FEIR and the Judgment of the Court expressly finds the certification to have been proper.

9. By Resolution 2004-214, the Board has complied with the Court's Writ. The Board now desires to act on the Applicant's request to reenact the Project Approvals.

10. Having considered the recommendations of the Planning Commission, reviewed the Development Agreement, the Bickford Ranch Specific Plan, the Bickford Ranch Design Guidelines and the Bickford Ranch Development Standards, the FEIR and the Addendum

thereto, having received and considered the written and oral comments submitted by the public thereon, and having adopted Resolution No. \_\_\_\_\_ making certain findings concerning project mitigation measures, a mitigation monitoring and reporting plan and making a statement of overriding considerations with respect to certain unmitigated environmental impacts to be anticipated as a result of adopting and approving the Bickford Ranch Specific Plan and related entitlements and making findings that its actions are consistent with the General Plan, the Board finds pursuant to Section 17.58.240(C) of the Placer County Code:

- a. The Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan, including Appendix "C" thereto, as set forth in Resolution No. \_\_\_\_\_;
- b. The Development Agreement is compatible with the uses authorized in, and the regulations proscribed for, the land use district in which the real property subject to the Development Agreement is located;
- c. The Development Agreement is in conformity with public convenience, general welfare and good land use practice;
- d. The Development Agreement will not be detrimental to the health, safety and general welfare of persons residing in Placer County;
- e. The Development Agreement will not adversely affect the orderly development of property or the preservation of property values.

11. Notice of all hearings required by Section 17.58.240 of the Placer County Code have been given and all hearings have been held as required by statute and ordinance to adopt this ordinance and approve the Development Agreement.

12. The Board hereby further finds that the foregoing recitals setting forth the actions of the County are true and correct.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA,  
DOES HEREBY ORDAIN as follows:**

Section 1: The Development Agreement by and between the County of Placer and Bickford Holdings, LLC, a true and correct copy of which is included herein under separate cover and incorporated herein by reference, is hereby approved, and the Chief Administrative Officer, Jan Christofferson, is authorized to execute two (2) original copies of the same on behalf of the County. The Planning Director is directed to record the Development Agreement within ten (10) days in accordance with Section 17.58.240(0) of the Placer County Code.

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Section 2: The Mitigation Monitoring and Reporting Program (“MMRP”) attached to the Addendum is hereby incorporated by reference into the Development Agreement, and all mitigation measures required to be performed by the project applicant pursuant to the MMRP shall become an obligation of Bickford Holdings, LLC pursuant to the Development Agreement.

Section 3: The ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Clerk is directed to publish it within fifteen (15) days in accordance with Government Code Section 25124.